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THE EXTENSION OF LAW TEACHING AT OXFORD.¹

SIR, — The Rhodes Scholarships have conferred many benefits on Oxford. They have brought to us a body of men who form a new and good element in our university life. The presence of the Rhodes Scholars (and this is one of the points upon which I wish to dwell in this letter) has done a great deal already, and may do much more hereafter, to give new life to the study of law at Oxford. For the Rhodes Scholars, whether they come from the United States, or from our English Colonies, such as the Canadian Dominion or the Commonwealth of Australia, are likely to study law and to study it with great effect. They are men on the average a little older than most of our undergraduates at the date of their matriculation. They have already seen something of life; they have many of them before coming to England studied law under distinguished teachers, for example, the Harvard Law Professors, or the Professors of Columbia University. They are men — and this is a great point — who have been accustomed to consider the learning of English law the proper subject of post-graduate study.

In these respects they occupy a different position from their English fellow-students. Not one Englishman in a thousand who matric-

¹ *A Letter to the HARVARD LAW REVIEW.*

For the interest of readers we reprint the following from the "Times," May 12, 1910: "The electors to the Lectureship in Private International Law have to-day elected Mr. Albert Venn Dicey, B. C. L., honorary D. C. L., Fellow of All Souls. All Souls College has undertaken to provide a stipend for this new lectureship. The lecturer is required to lecture and to receive students desirous of informal instruction in international law. Dr. Dicey, it will be remembered, last year resigned the Vinerian Professorship of English Law, and is now Emeritus Professor." — ED.

ulates at Oxford has studied the law of England. The teaching of the law school at Oxford has indeed already told on the study of law in England. Of the young men who have left us many have already made a brilliant success at the English Bar; of these some, at any rate, have learned the elements of law at Oxford. Not a few have perceived that to go through the examination necessary for the attainment of the B. C. L. degree well repays the work needed for going through it with success. It gives one of the best law degrees to be acquired in the United Kingdom. A first or even a second class in this examination is a guarantee that the student knows more of the principles both of English and of Roman Law than ninety-nine out of every hundred young men when about to be called to the Bar. A man who reads for the B. C. L. degree is, moreover, provided with as good, as sensible, and as thorough-going a scheme of legal study as any person can desire who is seriously bent on reading law with a view to future practice. Hence the renovation of the examination for the B. C. L. degree, due originally, I ought to add, to the energy and perseverance of my friend, Mr. Bryce, our present Ambassador at Washington, and my friend Professor Holland, who year by year adds reputation to the Chair of International Law, attracting a small but very remarkable body of students who are bent upon the acquisition of general legal knowledge and on combining practical knowledge of the law of England with the study of the principles of the law of Rome.

But at this point there comes another most serious difference between the Englishmen and the Rhodes Scholars who desire to take the B. C. L. degree, and thus go through what with Englishmen and with the Rhodes Scholars is really a course of post-graduate study. Unfortunately for the University, Englishmen reading for the B. C. L. degree study law but do not, for the most part, study it at Oxford. They wish to be called to the Bar. They go to London to read in Chambers. The knowledge to be acquired there is to them indispensable. They read for the B. C. L. degree, but they read in London.

The position of a Rhodes Scholar who aims at a B. C. L. degree is different. He is from the time of his arrival here engaged in effect in post-graduate study. He has obtained a degree in Arts in some other University. If he has already studied law, for example, at Harvard, he is already accustomed to consider the post-graduate study of law

as the natural thing. If he has enjoyed the inestimable advantage of training in your Law School, he starts with every chance of success in the B. C. L. examination. He can, if he likes, pursue this object from the very commencement of his career at Oxford. Just because he is a Rhodes Scholar, it is in Oxford during Term time that he must study. Rhodes Scholars will, if I may venture to say so, find in reading for the B. C. L. degree the best possible supplement to that admirable catechetical teaching which connected, as it is, especially with Harvard, has, I am told, spread to the law schools of many other American universities.

For this system I have always entertained and expressed the greatest admiration. Your distinguished professors wisely fix the attention of their pupils on reported cases and the inferences to be drawn therefrom. This brings young men into touch with reality. But to an English teacher it would seem, if I may venture to play the part of the friendly critic, that to this invaluable foundation there ought to be added a wider knowledge of the law of Rome than, unless I am mistaken, is given in the celebrated law schools of America, and also an acquaintance, which can hardly be obtained from cases alone, with the principles to be gathered from the works of the best among the legal writers of England and of America. The now ever growing mass of good legal literature must be studied as no small part of the English world of letters. Whilst I earnestly wish that the catechetical teaching of law may be more and more cultivated at Oxford, I still hold that the consecutive lectures there delivered are admirably suited for the literary and logical exposition of legal principles.

Let me now turn to the advantages, some of them new, offered by Oxford to the students who we hope will flock to us from the Colonies of England and the States of the American Commonwealth at the end of the next long vacation. Great and systematic efforts, fostered with great liberality by the College of All Souls, have been made for years to extend the field and to improve the substance of our teaching, not only in law, but in subjects connected with legal studies. We have for years happily possessed teachers of International Law and of Roman Law of high and universally acknowledged reputation. Of the way in which the Professorship of English Law has been filled I am hardly the person to form or give an opinion. The Vinerian Professor who in 1909 resigned his chair after a tenure

of office of some twenty-seven years, has been succeeded by a man who, after obtaining the most varied of University honours, has practised law with success in London, and exchanged, whilst still a young man, a very promising career as a Chancery lawyer for the post of a teacher of law at Oxford. It is quite certain that no lawyer of greater eminence or excellence has ever occupied the Vinerian Chair.

But in this paper I am concerned far less with the merits of the Oxford Faculty of Law, as it has existed, or now exists, than with the recent efforts made to extend our sphere of legal teaching. I will emphasise two of them; because the lectureships or readerships which I am about to describe have in my judgment a special interest for American students. There has been created, almost the other day, a Lectureship on Political Theory and Institutions. The name is too vague — though perhaps the indefiniteness of the name is not without its advantage — to convey a very fixed meaning to your readers. Mr. William George Stewart Adams, the elected Lecturer, is, one may venture to assert, as well acquainted with the law and the practice of what one may call administration, as any man who could have been appointed. He has lectured with success as Professor at Manchester. He has taught and learnt much in the Universities of the United States. He has been, so to speak, the right-hand man of Sir Horace Plunkett in his patriotic and successful labours to revive and improve the industries of Ireland. Mr. Adams is a teacher from whom we may expect much. In none of the many places he has occupied has he disappointed those who relied on his energy and talent.

All Souls has also created a Lectureship in Private International Law (Conflict of Laws). My studies have interested me much in the subject, and it is impossible I should not feel every wish that this branch of law should receive more attention than has hitherto been devoted to it in Oxford. The reason why it has been but slightly studied by undergraduates is that it is only in the B. C. L. examination that the subject of the Conflict of Laws may be taken up by the candidate for a degree. No man can for the moment expect that a very large class can be collected together for the study of a subject which, to those acquainted with it, presents special fascinations. Yet I am inclined to think that it ought to, and when its nature is well understood will, draw to it a definite body of American students.

They are in the first place, well trained in the subject by teachers such as Professor Beale. The whole topic, again, of Private International Law is becoming year by year of more and more importance in England; and I cannot but suppose both from the nature of things, and from American law reports no less than from American treatises, that among the forty-eight States of the Union questions about the conflict of laws must have an exceptional and a living interest. To these considerations may be added one other. Among the best-known of the authors, who since the beginning of the nineteenth century have occupied themselves with this province of law, stand Story and Savigny. Each may be considered the immediate ancestor of two different schools each of which has produced many and distinguished disciples. At the head of the Anglo-Saxon school assuredly still stands Story. At the head of what I may call the Continental School of writers on Private International Law, as indubitably, in my judgment, still stands Savigny. There is nothing more remarkable than the difference between the way in which all or nearly all English and American authorities regard the conflict of laws, and the way in which the same topic is under the name of Private International Law regarded by German, French, and Italian teachers, in short, by all the members of the Continental school who speak with the highest authority. To appreciate the existence and to understand the nature of this difference is a matter of no small difficulty, and well deserves, as it will repay, the labour both of teachers and of students. Add to this that the attempt to compare the English with the Continental method of dealing with the problems of international law may, I conceive, form a good introduction to some comparison between the law of the English people on both sides of the Atlantic and the law which prevails throughout the more important states of the continent of Europe. Of a subject which has always deeply interested me I have said much. The fact that since I began writing this letter I have myself been appointed Lecturer in Private International Law permits me to say this, and this only. The Lecturer will certainly make an attempt to study with his pupils the various sides of a subject to which as a writer on the Conflict of Laws he has for years devoted attention.

A. V. Dicey.